

68TH YEAR.

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WEATHER.—FAIR

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**SELECTIVE DRAFT
HELD LEGAL BY
SUPREME COURT****Justices Decide Contentions
Are More Imaginary
Than Real.****NO ACTION TAKEN RELATIVE
TO CHARGES OF CONSPIRACY****War Without Army of Men
Would Be Impossible
and Unlikely.****MANY QUESTIONS ANSWERED****Law Designed to Supply Temporarily
Increased Military Force in
Existing Emergency.**

WASHINGTON, January 7.—Every contention raised against the selective draft act was swept aside by the Supreme Court today in a unanimous opinion delivered by Chief Justice White, upholding the law as constitutional. Authority to enact the statute and to send to court the enemy wherever he may be found, the court held, lies in the clauses of the Constitution giving Congress the power to declare war and to raise and support armies.

"As the mind cannot conceive an army without the men to compose it," said the Chief Justice, "on the face of the Constitution the objection that it does not give power to provide for such men would seem to be too frivolous for further notice."

The opinion then proceeded to take up and definitely dispose of each of the many questions raised by counsel for the convicted persons whose appeals brought the law before the court.

No action was taken by the court in the several pending cases involving charges of conspiracy to prevent the carrying out of the purposes of the law. It is understood that these cases, which include the appeals of Alexander Berkman, Emma Goldman, Louis Kramer and Morris Becker, convicted in New York, later may be made the subject of a separate opinion.

Chief Justice White, in the opinion, said:

"The law, as its title declares, was intended to supply temporarily the increased military force which was required by the existing emergency, the war then and now raging."

Here the Chief Justice recited the provisions of the act and the contentions of those who attacked its constitutionality.

"The possession of authority to enact the statute," said the Chief Justice, "must be found in the clauses of the Constitution giving Congress power to declare war, to raise and support armies, but not to appropriate money to that use shall be for a longer term than two years; to make rules for the government and regulation of the land and naval forces."

MIND CANNOT CONCEIVE**ARMY WITHOUT MEN**

"As the mind cannot conceive an army without the men to compose it," said the Chief Justice, "on the face of the Constitution the objection that it does not give power to provide for such men would seem to be too frivolous for further notice."

It is said, however, that since under the Constitution as originally framed, State citizenship was primary and United States citizenship but derivative and dependent thereon, therefore, the power conferred upon Congress to raise armies was only coterminous with United States citizenship, and could not be extended so as to cause that citizenship to lose its dependent character and dominate State citizenship.

"But the proposition simply denies to Congress the power to raise armies which the Constitution gives. That power, being delegated to supreme authority, the contention simply assails the wisdom of the framers of the Constitution in conferring authority on Congress, and in not retaining it as it was under the Confederation in the several States. Further, it is said, the right to provide is not denied by calling for volunteer enlistments, but it does not and cannot include the power to exact enforced military duty by the citizen. This, however, but challenges the existence of all power, for a governmental power which has no sanction to it, and which therefore can only be exercised provided the citizen consents to its exertion, is in no substantial sense a power."

"It is argued, however, that although this is abstractly true, it is not concretely so, because as compelled military service is repugnant to a free government, and in conflict with all the great guarantees of the Constitution as to individual liberty, it must be assumed that the authority to raise armies was intended to be limited to the right to call an army into existence, counting alone upon the willingness of the citizen to do his duty in time of public need, that is, in time of war. But the premise of this proposition is so devoid of foundation that it leaves not even a shadow of ground upon which to base the conclusion."

"It remains only to consider contentions, which, while not disputing power, challenge the act because of the repugnancy to the Constitution supposed to result from some of its provisions. First, we are of opinion that the contention that the act is void as a delegation of Federal power to State officials because of some of its administrative features is too wanting in merit to require further notice. Second, we think that the contention that the statute is void because vesting administrative offices with legislative discretion has been so completely ad-

**Think Cleveland
Millionaire Kidnaped**

CLEVELAND, Ohio, January 7.—Cleveland police today believe Frank R. Smith, wealthy dealer in automobiles, has been kidnaped and is being held for ransom. Smith has been missing since Thursday.

Smith, who was active in prosecuting two men on a criminal charge here, may have been kidnaped for revenge.

A letter scrawled on wrapping paper received by Mrs. Smith following the disappearance of her husband, dated 51,000 to stop No. 10, Lake Shore Electric, Sunday night at 1 o'clock. Your husband is O. K. Keep your mouth shut."

**THREE MILLION ARMY
FOR INDUSTRIAL WORK****State Employment Agencies Authorized to Recruit Men for
Farms and Shops.****TO SOLVE LABOR PROBLEM****Aim to Get 400,000 Men for Ship-
building Plants at Once to Hurry
to Completion the Merchant Marine
Program.**

WASHINGTON, January 7.—Mobilization of 3,000,000 workers for agricultural, shipbuilding and war contract plants was authorized today by the United States Employment Service by the Department of Labor.

Tremendous expansion of the service is in progress in preparation for recruiting men necessary to carry on the economic work in support of the military forces in the war. Solution of the labor shortage problem by this means is confidently proposed by the department and the co-operating labor organizations in answer to suggestions that conscription of labor is necessary.

One early result is expected to be the placing of 100,000 mechanics in shipbuilding plants to aid in hurrying to completion the merchant marine program.

John R. Denmore, of Montana, solicitor for the Department of Labor, will be national director of the Employment Service by appointment of Secretary William C. Gaudin, of New York, later may be made the subject of a separate opinion.

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**CHAMBERLIN'S FATE
RESTS WITH JURY****Verdict Expected When Court
Convenes This Morning
at 9 o' Clock.****ATTORNEY LASHES ACCUSED****Conway R. Sands Refers to Wen-
denburg as "Man With
Blood in His Eye."**

[By a Staff Correspondent.]

GOOCHLAND, Va., January 7.—The jury deliberates to-night over the fate of Dr. A. W. Chamberlin, alleged murderer of his brother, Judge Albert P. Chamberlin, whose mutilated body was found buried in the doctor's yard in this county Sunday, October 29.

The case passed into the hands of the jury at 10:30 o'clock to-night. After a six-day trial, culminating in an impassioned appeal for the death penalty by Louis O. Wendenburg, special counsel employed to aid the State, a night session was held, in the hope that a verdict could be reached before midnight, but when Mr. Wendenburg closed his argument the jury requested that it be given until to-morrow morning to consider the evidence. A verdict is expected at 9 o'clock.

In concluding his terrible lashing of the grim physiognomy, who gave him so terrible a battle in the cross-examination of Saturday, Mr. Wendenburg more than evened the score with the declaration that if a man can plan and execute so cruel and deliberate and willful murder as this and then escape punishment by merely denying his guilt and failing to explain the many incriminating facts that demand of him a satisfactory explanation, then the time has arrived when you should close your Bibles, dissolve society into its original elements and return to barbarism and brutality; raze your churches and your courts and look no longer to your government for safety and protection. Remember that it is the crime of this man that has forfeited his life, so that it is in the law, and not you, that deprives him of that life, and that it is God who has said, 'An eye for an eye, a tooth for a tooth and a life for a life.'

REFERS TO WENDENBURG AS**MAN WITH BLOOD IN HIS EYE**

Mr. Wendenburg's argument followed that of Conway R. Sands, who attacked him as the "man with blood in his eye, coming here to demand the life of an innocent man."

"I know this Loucy Wendenburg," said Mr. Sands. "He is the fellow who got his start in the Henrico goldbrick case, prosecuted Beattie and will thunder for the blood of my client."

Both Mr. Sands and James C. Page made stirring speeches in their client's behalf.

Examination of the witnesses came to rather an abrupt close at noon today, when the State closed rebuttal testimony of an inconsequential nature. Immediately thereafter, Judge Rutherford and counsel for the State and defense retired to chambers to argue instructions. This was completed shortly after 3 o'clock. Then Judge Rutherford read his instructions to the jury. Counsel and spectators were impressed by the clearness, brevity and fairness of the judge's charge.

DAVID H. LEAKE OPENS**FOR THE PROSECUTION**

Shortly before 4 o'clock, David H. Leake, serving as Commonwealth's attorney because of the illness of Judge A. N. Montrose, began argument for the State. Mr. Leake, a native of Goochland, now residing in Richmond, was for four years State's attorney for Goochland. The jurors to whom he spoke and the spectators gave him perfect attention to the point. His speech was clear, concise and to the point. He reviewed the case thoroughly and told the jury that the evidence substantiated pointed clearly to the guilt of the accused man. This, he said, was painful to him, but as great a duty rested upon him as upon the jurors. No verdict other than that of guilty of murder in the first degree would be just, he said.

Mr. Leake spoke for an hour and a half, half of the time allotted to the State for argument. James C. Page, associated with Conway R. Sands, was scheduled immediately to follow Mr. Leake, but was not ready, and asked for an hour in which to prepare. Judge Rutherford, while not wishing to hurry, reminded him that the jurors had been waiting for the case and that it was the duty of the court to expedite matters as much as possible. It was agreed, however, that recess of two hours be given for preparation and supper.

DR. CHAMBERLIN IN**CHEERFUL MOOD**

Mr. Page was followed by his associate, their time being limited to three hours. When they concluded, Mr. Wendenburg, still chafing from the hard battle given him by the accused in Saturday's cross-examination, pitilessly accused the defendant. At the conclusion of Mr. Wendenburg's argument, the case was placed in the hands of the jury.

Dr. Chamberlin, in jail since the Wednesday preceding Sunday, October 29, when his brother's decapitated and dismembered body was found under posts of a fence at his home on "Sunnyside" Farm, ten miles above here, was in a cheerful frame of mind when court opened this morning. Sunday his wife and daughter spent all day in his cell, lending encouragement and hope. Contrary to expectations, he was not recalled to the stand today, the most interesting witness for the defense being the daughter, Mrs. Clara Axford, who arrived Saturday from Wheatland, Wyoming.

Aside from her identification of sev-

(Continued on Fourth Page.)

**ATTACK LAUNCHED
ON RAILROAD BILL****Administration Measure for Gov-
ernment Management Under
First Fire at Capitol.****PERMANENCY IS FEARED****Resolutions Seek to Provide for
Automatic Return of Prop-
erties After War.**

[By a Staff Correspondent.]

WASHINGTON, January 7.—The administration bill to regulate government management of railroads was subjected to its first attack today at the Capitol.

Resolutions were introduced in the Senate seeking to amend the section providing for indefinite continuance of government control by providing for automatic return to private control after the war. The basis of compensation on the earnings of the three years ending last June 30 was criticized in a hearing before the Senate Interstate Commerce Committee by Julius Kruttschnitt, chairman of the executive committee of the Southern Pacific, who suggested instead the two-and-a-half-year period between July 1, 1915, and December 31, 1917, arguing that earnings for 1915 were below normal.

The House Interstate Commerce Committee will start hearings on the bill to-morrow, and will hear Interstate Commerce Commissioner Anderson explain the measure. Director-General McAdoo probably will appear later in the week to urge necessity for prompt action.

TRYING TO CLEAR UP**RAILROAD CONGESTION**

The railroad administration devoted itself today to executive measures to clear up congestion on Eastern railroads, and Mr. McAdoo appealed to people of the United States to observe the new "right-moving week" through an organized movement to unload cars and turn them back from terminals. In anticipation of government assistance in railroad financing, roads were instructed to report immediately the amount of capital they need for the coming year.

Mr. McAdoo's statement on a concerted movement to clear congestion said:

"I wish to appeal to the people of the United States to observe the week beginning January 14 and ending January 20, as a 'right-moving week' and to earnestly urge the observance of the various States, the public utilities, the Mayors of cities and towns, the State Councils of national defense, the Federal and State food and fuel administrators, the chambers of commerce, and other business organizations, business men and shipowners, trucking companies and all railroad employees concerned, to organize locally and make a supreme effort during this week to unload freight cars, to remove freight from railroad stations and to clear the decks for a more efficient operation of the railroads of the country."

"An earnest and united pull all along the line will achieve wonders in this direction. We can help ourselves and relieve an immense amount of suffering if we attack the problem vigorously and in the true spirit of co-operation."

Immediately after the "right-moving week," the new high demurrage rates ordered by the director-general will go into effect.

FREIGHT IN MIDDLE WEST**TIED UP BY SNOWSTORM**

Milder weather in the East helped today to speed freight moving faster, but a snowstorm in the Middle West caused a serious tie-up of traffic. The railroad administration was not greatly concerned about the situation there, however, since the congestion is confined to a temporary and probably will pass with the storm.

Before the Senate committee, Mr. Kruttschnitt, who was a member of the railroads war board, stated emphatically that he did not believe the stockholders of the Southern Pacific would be satisfied with a return after the war such as the government might guarantee during the war, no matter what period was selected. He thought they would accept it as a patriotic duty during the war, but afterwards would want to revert to the management effective before the President took charge.

Alfred P. Thoni, general counsel for the railroads' executive council, urged that whatever action is taken should come quickly. He feared the unpopularity of finance during the time when compensation was not definitely established.

Mr. Kruttschnitt will continue on the stand to-morrow, and will be followed by George M. Bickel, vice-president of the Baltimore and Ohio.

The fuel administration today arranged to appoint staff experts to assist the railroad administration in clearing coal car congestion. G. N. Snider was assigned to Pennsylvania.

**Enlist Now in Army
of Richmond Savers**

Have you enlisted in the army of savers? It is an army which the women of Richmond intend to lead. They are preaching patriotism by practicing thrift, realizing that every dollar saved "over here" is a life saved "over there."

The Women's Committee of the Richmond War Savings Campaign has enlisted most of the leading merchants and agents for thrift stamps and war savings stamps. In addition, stamps may be had at the post-office, banks, trust companies and other public offices.

**Fuel Administrator Clamps Lid on
Excessive Exportation of American Coal**

WASHINGTON, January 7.—America's coal exports this year will be limited strictly to shipments to be used for war purposes and to those necessary in exchange for commodities the United States must have. In announcing this policy to-night, Fuel Administrator Garfield declared that in no event will exports be permitted to equal in volume those of the year just ended.

The fuel administration turned over to the war trade board today figures showing the amount of coal the country can spare, and asked the board to exercise supervision over its distribution abroad. The amount available for export was not made public. Canada will be exempted from the regulations, and shipments to the Dominion will be left in the hands of the fuel administration.

"In view of the existing coal shortage and the great demand here, America must restrict her exports, limiting her industries and households with coal," said Dr. Garfield to-night.

Prices of export coal, although \$1.35 a ton higher than domestic prices, are lower here than the prices obtaining in other export countries.

**HOW GERMANY DECEIVES
OWN PEOPLE AND ENEMIES****Secret Instructions Issued to Ger-
man Press by Censorship
Are Found.****TELL A COMPLETE STORY****Editors Told to Print Statement
That America Calling Million Men
to Join Allies Is Largely a Bluff
and Nothing to Worry About.**

WASHINGTON, January 7.—Evidence of the care the German government is taking to direct public opinion and to deceive, not only its enemies, but its own people, is contained in a series of secret instructions issued to the German press by the censorship, which have fallen into the hands of the State Department. These instructions cover a period of less than three months of last year, but they tell a very complete story of how the Teutonic war lords control public opinion.

Owners of newspapers and publishers generally not only are limited as to the character of articles printed, but in many cases are told what they should publish and in what terms. Labor disturbances, food shortage and difficulties in securing and distributing coal are placed under the ban, but newspapers are urged to give prominence to enemy losses and to certain prescribed interpretations of international situations.

A hint of the relentlessness of the authorities in punishing infractions of orders is contained in one notice, in which attention is called to the fact that the police "have again been notified to seek out and to bring to ruthless punishment originators and communicators of untrue military, political, financial and economic reports."

In another notice similar warning is given that the police will "proceed energetically" against those who repeated untrue reports.

Interesting light is thrown upon the Berlin view of the preparations for war in the United States by a paragraph of an order dated June 6 last. It says:

"What the news about America's war preparations, such as the organization and outfitting of an army of 1,000,000 men, and the re-organization of the French-English front, is looked upon, in that form, as a bluff, the spreading of which may unfavorably affect the opinion of the German people, yet the fact must not be overlooked, on the other hand, that the United States, with the support of its capacity for material and industrial management, is arming itself for war with great energy and tenacity. The war preparations in America are therefore, as was intimated in the Reichstag at the time, not at all to be made little of, but must be taken seriously without on that account being made a source of worry."

Another dated June 8, says:

"Petit Parisien informs us that five American divisions, numbering 125,000 men, may be expected in France in the autumn of 1917. It is urgently requested not to reproduce this information without some comment. We do not wish to underestimate the ability of America to accomplish things, but must not, on the other hand, overestimate it. In order to bring a diversion over from America 75,000 tons must make the trip twice. Therefore, from the mere fact of lack of space the transportation of such a body of troops within certain fixed time limits is impossible. Moreover, it is impossible to train these troops properly by autumn. These facts which have recently been discussed in the German war news cannot be too strongly emphasized in the discussion of this French news."

Printing of anti-German speeches in the Austrian Parliament are forbidden in various instances, and the attitude to be taken by the German press, both for its effect at home and upon Austria-Hungary, is indicated in the following, dated June 5:

"A few days ago the Austro-Hungarian press was left free to discuss the war aims. We unreservedly endorse the war aims given out in the majority of the Austro-Hungarian press. Of course, the fully warranted and not inconsiderable war aims which are needed for the conservation and development of the confederate monarchy, as well as for a world peace, can only be achieved if Austria-Hungary adheres to her understanding with the German empire and its allies and with positive reference to her military economy and political forces announces clearly and positively her firm will

(Continued on Fourth Page.)

**ARMIES SETTING
STAGE FOR BIG
SMASHING DRIVE****Signs Are Not Wanting
That Big Battles Are
in the Making.****INTENSIVE ARTILLERY
DUELS DAY AND NIGHT****Various Points of Three Great
War Zones Scenes of
Slaughter.****SEVERE IN YPRES REGION****Cambrai Sectors, Where British
Face Germans, in Midst of
Deadly Attack.**

[By Associated Press.]

Although infantry operations in the major war theaters are of a minor character, signs are not wanting that big battles are in the process of making in Flanders, France and Italy. At various points in these three war zones intensive artillery duels are going on day and night. They are particularly severe in the region of Ypres and the Cambrai sectors, where the British are facing the Germans, along the Aisne, on the Verdun sector and along the Meuse, where the forces of the German Crown Prince and Grand Duke Albrecht of Wuertemberg, are opposing the French, and in the Italian highlands, from the region of Lake Garda eastward to the Piave River, where the Austro-German troops are aligned against the Italians, French and British.

Southwest of Ypres, in Flanders, the Germans have made an attempt to enter British positions, but met with repulse and heavy losses under the fire of the British infantry and machine guns. Likewise, an attempted raid against the French positions on the historic hill 304 in the Verdun sector was stopped with sanguinary losses to the Germans. These two maneuvers constitute the only activity by infantry forces at any point, except that small British patrols at several places forced crossings of the Piave River against the Teutonic allies.

The situation arising in the disagreement between the Teutonic allies and the Bolshevik leaders in Russia still remains clouded owing to lack of definite information concerning the friend the negotiations are taking or whether they have entirely ceased. An unofficial dispatch from Petrograd quotes M. Radek, one of the Bolshevik delegates who has been treating with the Austrians and Germans in Petrograd, as declaring that the Bolsheviks are definitely strengthening their position, but that the Russians will accept no help from the entente allies if they are forced to fight again, as the Russians are fighting for an ideal and not for conquest. The Bolsheviks, like the German working classes, added M. Radek, stand for a democratic peace, and if the German government attacks the Russians "it will display itself to its own people in its true light."

ENTIRE COUNTRY STRIPPED**GERMANY DON'T WANT IT**

The correspondent asked what would be the attitude of the Bolsheviks in case of actual war, with regard to help from the allies. M. Radek replied: "We do not desire their help. Our strength lies in our weakness, and if we accepted help from the allies the significance of our position would be destroyed. The weaker we are, the stronger we are. The Germans can drive us back, but what good would it do them?"

The country behind the front has been stripped bare. There is not enough there to feed a single horse. The Germans will not wish millions of starving persons on their hands.

"We stand for a democratic peace. So go the German working classes. If the German government attacks us it will display itself to its own people in its true light."

A telegram from Brest Litovsk to Amsterdam gives a wireless message sent to M. Joffe, chairman of the Russian delegation, by Foreign Minister von Kuehlmann for the German delegation, Foreign Minister Cernin for the Austrians, Foreign Minister Nesselrode for the Turks, and Minister of Justice Popoff for the Bulgarians. It recalls that when the central powers outlined the terms on which they were willing to make peace they stipulated that the terms would be valid only if all the belligerents bound themselves within a certain period to observe them. The Russians fixed ten days as the period in which the other belligerents were to decide whether to join in the negotiations, but, although this time elapsed January 1, nothing has been heard from them.

GERMAN SOCIALISTS OPPOSE**PLANS OF ANNEXATION**

Meantime, the German Social Democratic party has come out strongly against the German plans of annexation as set forth at the Brest Litovsk conference, and in a resolution has declared that a lasting peace is possible only if the democratic principle of self-determination is honestly carried out. The resolution added that the party resolved resolutely to combat the misuse of the right of self-determination for the purpose of disguising annexations.

Another American steamship, the Harry Luckenbach, has been sunk by an enemy submarine somewhere in the war zone. Right members of the crew of the steamer are reported missing.

Earl Reading, has been appointed British high commissioner in the United

AVIATOR KILLED**Massachusetts Boy Takes Fatal Tumble
Before Receiving His
Diploma.**

[By Associated Press.]

PARIS, January 7.—John Stark, of Athol, Mass., an American student at a French flying school, was killed on Saturday when his machine suddenly plunged to the ground while he was flying at a height of 200 yards.

The American had almost completed his course of instruction, and was just about to be transferred to the aviation service of the United States.

Turn Down Canal Plans.

WASHINGTON, January 7.—Additional improvement of the harbors and connecting waters of the Great Lakes to permit accommodation of all vessels able to pass through the Welland Canal was enhanced by the Dominion of Canada would cost too much money compared with the probable benefits, the War Department today reported to Congress. The river and harbor act of 1916 called for investigation and report by government engineers.